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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,188	08/10/2001	Andre Szczepanek	TI-30405	7340

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EXAMINER
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NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/928,188

Applicant(s)

SZCZEPANEK, ANDRE

Examiner

Van Kim T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,12,13 and 15-24 is/are rejected.
- 7) ☒ Claim(s) 3,4,9-11 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/16/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The abstract of the disclosure is objected to because it does not adhere to the recommended layout for the specification of a utility application. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT

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- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 6-8, 19, and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (US 6,700,956), hereinafter Chang.

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Regarding claims 1 and 20-23, as shown Figures 1-2, Chang discloses a module (10) connecting first (14) and second data sources (18) to a network (19) using a single network connection (col. 5: lines 1-11), comprising:

first (38) and second interface means (32) respectively for passing data to and from network (19) and to and from the first data source (14), the module being arranged to transmit data from the first interface means to the second interface means and from the second interface means the first interface means so as allow communication between the first data source and the network when they are connected to the module (col. 5: lines 32-64); and

first (39) and second restricted interface (30) means both for passing data to and from the second data source (18), (col. 5: line 65 – col. 6: line 20),

the module (10) being arranged to transmit data from the first restricted interface means (39) to the first interface means (38) and from the first interface means (38) to the first restricted interface means (39) so as to allow communication between the second data source (18) and the network (19) when they are connected the module, but not to transmit data between the first restricted interface means (39) and the second interface means (32); (e.g., first restricted interface means 39 monitors for off-hook condition and reports the occurrence to first interface means 38, which controls the position of switch 33. In case they are connected to the module (off-hook condition), switch 33 will be coupled to the second restricted interface 30, and the telephone will remain in A-phone mode (col. 5: line 65 – col. 6: line 20); and

being arranged to transmit data from the second restricted interface means (30) to the second interface means (32) and from the second interface means (32) to the second restricted interface means (30) so as to allow communication between the second data source (18) and first

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data source (14) when they are connected to the module but not to transmit data between second restricted interface means (30) and the first interface means (38); (e.g., in I-phone mode, the output is digitized for transmission through interface 38 to the PC, i.e., port 30; col. 6: lines 20-34);

Regarding claim 2, Chang also discloses

the first restricted interface means (39) passes data between second data source (18) and the first interface means (38) only, when connected, (in an A-phone mode, first restricted interface means 39 monitors, and reports to first interface means 38, which causes switch 33 to coupled to port 30 and passes data between second data source PSTN and port 30, col. 5: line 65 – col. 6: line 20); and

the second restricted interface means (30) passes data between the second data source (18) and second interface means (32), when connected (e.g., in an I-phone mode with two line arrangement, the first number is coupled to the modem of PC 14, or the second restricted interface means 30, and the second number is coupled to the second interface means 30; col. 6: lines 35-44, and col. 9: line 58 – col. 10: line 11).

Regarding claim 6, Chang also discloses the first and second restricted interface means are arranged to transfer data from a Voice Over Internet Protocol (VOIP) telephone (col. 5: lines 21-30).

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Regarding claims 7-8, as shown in Figures 3-4, Chang also discloses buffering means (45, 46) for regulating the flow of data between the interface and restricted interface means (col. 7: lines 10-30).

Regarding claim 19, Chang also discloses the first (39) and second restricted interface means (30) are provided by common circuitry (36, 37, 40) arranged to handle data from the first interface means (38) alternately with data from the second interface means (32); (col. 5: line 40 – col. 6: line 65).

Regarding claim 24, though Chang does not specifically call for the majority of data flow is between the first and second interface modules, but since module 10 is a partially integrated device capable of selectively switching between PSTN-based and Internet-based telephony service, it is inherent that the device can be selectively regulated so that the majority of data flow is between the first and second interface module.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, in view of Preiss et al (US 2002/0021690), hereinafter Preiss.

Chang discloses a module for connecting first and second data sources to a network using a single connection.

However, Chang does not call for the first and second interface means to be media access controllers.

As shown in Figure 1, Preiss teaches an integrated access device comprising a pair of IEEE 802.3 MACs, used to transmit both voice and data over an Internet Protocol network (abstract).

Both Chang and Preiss offer analogous arts, relating to system and method of transmitting both voice and data over an IP network.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Preiss' integrated access device in Chang's VoIP system, motivated by the need to reduce the number of electronic sub-systems required and reduce the cost of the system that employ them.

***Claim Rejections - 35 USC § 103***

7. Claim 12- 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, in view of Jones (US 5,804,986).

Chang discloses a module for connecting first and second data sources to a network using a single connection comprising a plurality of FIFO buffers.



However, Chang does not call for the FIFO buffers implemented in a memory device with each FIFO being represented by a group of memory locations.

As shown in Figures 1-16, esp. Figure 8, Jones discloses a programmable logic device including a plurality of FIFO memory device (abstract).

Chang and Jones teach analogous arts, relating to processors programmable with suitable software stored in non-volatile memory.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Jones' programmable logic device in Chang's VoIP system, motivated by the needs of providing an adapter which can efficiently handles communications across a multimedia serving application.

#### ***Claim Rejections - 35 USC § 103***

8. Claim 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, in view of Rabenko et al (US 6,885,657), hereinafter Rabenko.

Chang discloses a module for connecting first and second data sources to a network using a single connection comprising a plurality of FIFO buffers.

However, Chang does not call for a means for prioritizing the transmission via the first or the second interface means.

As shown in Figures 1-7, Rabenko discloses a prioritization circuit for providing priority to voice data packets (abstract).

Chang and Rabenko teaches analogous art, relating to relating to system and method of transmitting both voice and data over an IP network.

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Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Rabenko's network telephony system in Chang's VoIP system, motivated by the need of transmitting delay sensitive voice data packets in a timely manners to avoid loss of voice packets which may cause the speech to be garbled or otherwise unintelligible.

### ***Allowable Subject Matter***

9. Claims 3-4, 9-11, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen  
Examiner  
Art Unit 2151

vkn

  
**ZARNI MAUNG**  
SUPERVISORY PATENT EXAMINER